

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DUKE AND DUKE MANAGEMENT, ) No. 22 B 05617  
LLC, )  
 ) Chicago, Illinois  
 ) May 3, 2023  
Debtor. ) 10:30 a.m.

TRANSCRIPT OF ZOOM VIDEOCONFERENCE PROCEEDINGS  
BEFORE THE HONORABLE DAVID CLEARY

APPEARANCES:

For the Debtor: Mr. Patrick Griffin;  
For Geraldine Ziemke: Mr. Dennis M. Sbertoli;  
For the U.S. Trustee: Ms. Gretchen Silver.

Court Reporter: MARY C. KELLY, CSR  
United States Courthouse  
219 South Dearborn Street  
Room 661  
Chicago, Illinois 60604

1 THE CLERK: Lines 30 through 34 on the  
2 call, Duke and Duke Management, LLC, 22 B 5617.

3 MR. SBERTOLI: Hello, Your Honor. My  
4 name is Dennis Sbertoli for the petitioning  
5 creditor Geraldine Ziemke.

6 MR. GRIFFIN: Good morning, Your Honor.  
7 Patrick Griffin on behalf of the debtor Duke.

8 MS. SILVER: Good morning, Your Honor.

9 MR. SBERTOLI: We're here -- oh, sorry.

10 MS. SILVER: Go ahead.

11 MR. SBERTOLI: We're here on the  
12 petitioner's motion to enter the order for relief  
13 and appoint a trustee for the matter, Judge.

14 Sorry, Gretchen.

15 MS. SILVER: That's okay.

16 Gretchen Silver from the U.S. Trustee's  
17 Office.

18 We have no position on anything. We're  
19 just here to handle the appointment if the case is,  
20 in fact, converted to a voluntary or a trustee is  
21 ordered to be appointed.

22 THE COURT: All right.

23 And, Mr. Griffin, remind me. Are you  
24 formally appearing anymore or not appearing?

25 MR. GRIFFIN: Your Honor, so Duke, which

1 has not really been in operation for some time now  
2 and has no assets, essentially asked me, you know,  
3 to stand down.

4 We're not going to take a position on  
5 the motion today. I would make a point for the  
6 record that we dispute certain allegations in the  
7 motion.

8 But at this point, I've been asked to  
9 stand down, and I'll probably be seeking leave to  
10 withdraw from the case.

11 THE COURT: All right.

12 So, Mr. Sbertoli, I saw both your  
13 motions.

14 One, I don't actually appoint the  
15 trustee. I think that's why Ms. Silver is here to  
16 hear what is going on in that.

17 But, unfortunately, the way the rules  
18 are written -- and they weren't written by me --  
19 since the debtor before Mr. Griffin's client told  
20 him to stand down actually filed an answer  
21 controverting the involuntary petition, this is one  
22 of those situations in which the Code actually  
23 requires me not to -- not only to have a hearing,  
24 but actually to have, quote, a trial, so to speak.  
25 That trial may end up being non-contested and

1 nothing more than a hearing. But I do need to  
2 technically for notice purposes in case the parties  
3 change their mind and decide to take different  
4 avenues in the future not waste all of our time and  
5 technically have that.

6 So I'm going to schedule the trial and  
7 involuntary petition for next week at 10:30, and  
8 all parties that want to submit a -- any witnesses  
9 or a list of exhibits should do so by this Friday  
10 at end of business, obviously. That's May 5th.

11 And if either party or any party files a  
12 list of witnesses that means we'll have live  
13 testimony, the hearing will be here in court next  
14 Wednesday at 10:30 and everybody should show up.  
15 If no list of witnesses are filed, I'll take it on  
16 the record, conduct the trial by Zoom since there  
17 won't be any live testimony. So the deadline is  
18 Friday the 5th for filing a list of witnesses and  
19 exhibits and is a firm deadline, and we'll conduct  
20 ourselves accordingly on the 10th at 10:30.

21 MR. SBERTOLI: Can I trouble you to put  
22 it on for Wednesday the 17th instead of next week?

23 THE COURT: I can certainly --

24 MR. SBERTOLI: Unfortunately, I'm out  
25 next week.

1 THE COURT: I can do that.

2 So everything I just said stands as far  
3 as appearances, filings and things to be done  
4 except one thing -- except two things.

5 One, I'm going to change the date by  
6 which parties must file their list of witnesses and  
7 exhibits to Wednesday May 10th and give everybody a  
8 little bit more time. Same conditions. If I  
9 receive witness lists, it will be held here in  
10 court on the 17th at 10:30, and if I -- and,  
11 actually, I'm going to make it 11:00 o'clock. It  
12 would be at the end of my 10:30, but I'll  
13 technically set it for 11:00 o'clock so that you  
14 know if there is any witnesses. If there is no  
15 list of witnesses, I will conduct the trial on the  
16 record and hear any arguments and do it by Zoom at  
17 11:00 o'clock on May 17th.

18 MR. SBERTOLI: Understood.

19 MR. GRIFFIN: Thank you, Judge.

20 MS. SILVER: Thank you, Your Honor.

21 THE CLERK: Just a little bit of  
22 housekeeping.

23 We had a motion that was filed multiple  
24 times. I just want to verify the numbers 23, 24,  
25 25 and 28, are they all going forward or did you

1 want to withdraw some that were entered in error.

2 MR. SBERTOLI: They were entered in  
3 error. I misidentified the selection with the  
4 e-filing system, so you can show those as  
5 withdrawn.

6 THE CLERK: Okay. Are we going to just  
7 keep the 28, then, the final one?

8 MR. SBERTOLI: I believe, yes, that  
9 would be the correct one.

10 THE CLERK: Okay. Thank you.

11 Again, that is continued to 5-17 at  
12 11:00 o'clock.

13 THE COURT: Yes.

14 MR. SBERTOLI: Thank you, Judge.

15 (Which were all the proceedings had  
16 in the above-entitled cause,  
17 May 3, 2023, 10:30 a.m.)

18 I, MARY C. KELLY, CSR, DO HEREBY CERTIFY THAT THE  
19 FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF  
20 PROCEEDINGS HAD IN THE ABOVE-ENTITLED CAUSE./S/  
(f)

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